

REMARKS

The Official Action mailed June 21, 2007, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Official Action Summary does not indicate whether the Official Action mailed June 21, 2007, is a final (Box 2a) or non-final action (Box 2b). However, a review of the Patent Application Information Retrieval (PAIR) System indicates that the present Official Action is non-final, and the Applicant has treated it as such.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on April 9, 2004; December 8, 2005; and July 20, 2006.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 8-22 and 24-26 were pending in the present application prior to the above amendment. Claims 8 and 24 have been amended to correct minor informalities. New dependent claims 27-33 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 8-22 and 24-33 are now pending in the present application, of which claims 8-13 and 24 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Applicant notes with appreciation the allowance of claims "9, 10, 12, 13, 15, 17-20, 22 and 24-26" as listed in Box 5 of the Office Action Summary and the allowance of claims "9, 10, 12, 13, 15-20, 21 and 24-26" in the "Allowable Subject Matter" Section of the Official Action. Based on the rejection of claims 8, 11, 14, 16 and 20 at Box 6 of the Office Action Summary, it appears that claims 9, 10, 12, 13, 15, 17-19, 21, 22 and 24-26 have been allowed.


The Official Action rejects claims 8, 11, 14, 16 and 20 as obvious based on the combination of U.S. Patent No. 5,650,339 to Saito and U.S. Patent Application Publication No. 2004/0069751 to Yamazaki.

Yamazaki '751 is based on application Serial No. 10/678,083, which was filed in the U.S. on October 6, 2003, and published on April 15, 2004. As such, Yamazaki '751 is only potentially available as prior art under § 102(e). Yamazaki '751, as a commonly owned reference under § 102(e), may not be considered for a rejection under § 103. Subject matter developed by another, which qualifies as prior art only under one or more of subsections 35 U.S.C. §§ 102(e), (f) and (g), is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. § 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made. See MPEP § 2146. Since the disclosure by Yamazaki '751 and the claimed invention of the present application were, at the time the invention was made, subject to an obligation of assignment to Semiconductor Energy Laboratory Co., Ltd., Yamazaki '751 may not be considered for a rejection under § 103. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 27-33 have been added to recite additional protection to which the Applicant is entitled. The features of claims 27-33 are supported in the present specification, for example, by page 15, paragraph [0038], which corresponds with page 4, paragraph [0044] of the pre-grant publication of the present application. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 27-33 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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